

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

No. 22 Cr. 522 (GHW)

CHRISTOPHER SANTOS, et al,

Defendants.

DEFENDANT ALVIN EUSEBIO'S PROPOSED
EXAMINATION OF PROSPECTIVE JURORS

Dated: September 25, 2024
New York, NY

MORVILLO ABRAMOWITZ GRAND
IASON & ANELLO P.C.
Telemachus P. Kasulis
Peter Menz
565 Fifth Avenue
New York, NY 10017
Tel: (212) 856-9600
Attorneys for Alvin Eusebio

INTRODUCTION

Pursuant to Rule 24(a) of the Federal Rules of Criminal Procedures and the Court's Individual Practices in Criminal Cases, Defendant Alvin Eusebio respectfully requests that the Court ask the following questions as part of the jury voir dire in this case.

Mr. Eusebio further requests that the Court conduct more detailed questioning at sidebar or in the robing room should further inquiry of a prospective juror be appropriate. In the event that such further questioning is needed, Mr. Eusebio respectfully requests that the Court inquire whether the particular fact or circumstance raised would influence the prospective juror in favor of or against Mr. Eusebio.

TRIAL PARTICIPANTS

1. The Defendant in this case is Alvin Eusebio. Do you, or does any member of your family, close friends, associates, or colleagues, know Mr. Eusebio, or know anything about Mr. Eusebio beyond what I have told you today?
2. [IF APPLICABLE] There are two co-defendants in this case who were charged along with Mr. Eusebio and will be tried with him in this proceeding. The co-defendants are Alexander Francisco and Aristides Ramirez. Do you, or does any member of your family, close friends, associates, or colleagues, know Mr. Francisco or Mr. Ramirez, or know anything about Mr. Francisco or Mr. Ramirez beyond what I have told you today?
3. Mr. Francisco is represented by Lance Lazzaro from Lazzaro Law Firm, P.C.; Mr. Ramirez is represented by Patrick J. Brackley from Law Office of Patrick Jerome Brackley; and Mr. Eusebio is represented by Telemachus Kasulis and Peter Menz from Morvillo Abramowitz Grand Iason & Anello P.C. Do you, or does any member of your family, close friends, associates, or colleagues, know or have any connection with any of these attorneys or their firms?
4. The government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York, who is Damian Williams. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Ashley Nicolas and Andrew Jones. Do you, or does any member of your family, close friends, associates, or colleagues, know or have any connection with Ms. Nicolas or Mr. Jones? Have you, or any member of your family, close friends, associates, or colleagues, had any dealings either directly or indirectly with them?
5. Have you had any dealings directly or indirectly with the United States Attorney's Office?
 - a. The Department of Justice?
 - b. The New York City Police Department?
 - c. Homeland Security Investigations ("HSI")?
 - d. The Drug Enforcement Administration?
 - e. The New York District Attorney's Office?
 - f. The Federal Bureau of Investigation?
6. Have any of your family members, close friends, associates, or colleagues had any dealings directly or indirectly with any of the above law enforcement agencies?

7. Have you ever been employed by any law enforcement or government agency, whether federal, state or local?
8. Have any of your family members, close friends, associates, or colleagues ever been employed by any law enforcement or government agency, whether federal, state or local?

CASE SPECIFICS

1. In our system of justice, the defendant is presumed innocent throughout the entire trial and through the deliberations of the jury, unless and until the jury decides unanimously that the government has proved guilt beyond a reasonable doubt. Given that, if you were asked to return a verdict now, what would your verdict be and why?
2. Would you have trouble waiting to hear all of the evidence, the arguments of the lawyers, my instructions, and the views of your fellow jurors before reaching a conclusion about this case?
3. At all times, the burden of proof is on the government; a defendant has no burden of offering proof or taking the witness stand in his own defense. If he does not take the stand, no negative conclusion may be drawn against him. If he does take the witness stand, however, he does not take on the burden of proving that he is not guilty. The burden of proving a defendant guilty beyond a reasonable doubt always stays with the prosecution. Do you feel that Mr. Eusebio should testify on his own behalf before you could find him not guilty?
 - a. Do you feel that an innocent person would testify on his own behalf?
 - b. Can you think of reasons why an innocent person might not wish to testify?
 - c. Do you feel that if Mr. Eusebio does not testify, or does not present any evidence on his own behalf, it is probably because he is guilty?
4. Even if you believe that Mr. Eusebio may be is guilty, but the government has not proven its case beyond a reasonable doubt, would you have trouble returning a verdict of not guilty?
5. Scientific research indicates we all have “implicit biases” or hidden feelings, perceptions, fears, and stereotypes in our subconscious. These hidden thoughts can be about all kinds of different characteristics of people, including their race, ethnicity, gender, and religion. These ideas we carry around with us often impact how we remember what we see and hear and how we make important decisions, even if we’re not aware of them. While it is difficult to control one’s subconscious thoughts, being aware of these hidden biases can help counteract them. What is your reaction to the idea of implicit, or unconscious bias? Do you believe it is possible that such thoughts, even if you are not aware of them, could influence your decision-making?
6. The government has charged crimes related to controlled substances and firearms in

this case. Knowing that these are the charges, are you aware of any reason why you could not be fair and impartial in determining whether the government proved its claims beyond a reasonable doubt?

- a. Would you have trouble considering the indictment in this case as merely an accusation and not as proof that Mr. Eusebio committed the charged crime? Why or why not?
7. Do you, or does any member of your family, close friends, associates, or colleagues, have personal knowledge of this case beyond what I have told you today?
8. Do you feel that because Mr. Eusebio has been charged with a crime, he must have done something wrong?
9. Do you feel that the government would not bring a prosecution unless the defendant was probably guilty?
10. I will now read a list of names of individuals and locations who may be mentioned during the trial, or who may be witnesses in this case [*a comprehensive list of relevant individuals and locations will be provided to the Court before trial*].

Are you familiar with any of these people or locations? Have you, or have any of your family members, close friends, associates, or colleagues, had any dealings, directly or indirectly, with any of these people or locations?

NARCOTICS

1. During the trial, you may hear evidence concerning illegal narcotics and controlled substances, including heroin, fentanyl, cocaine, oxycodone, methamphetamine, and others. Have you ever been involved in any way in a case involving illegal drugs?
2. Have any of your family members, close friends, associates, or colleagues been involved in any way in a case involving illegal drugs?
3. Have you, or have any of your family members, close friends, associates, or colleagues, ever been arrested for or charged with a crime involving illegal drugs?
4. During the trial, you may hear evidence concerning methamphetamine. Have you ever been involved in any way in a case involving methamphetamine?
5. Have any of your family members, close friends, associates, or colleagues been involved in any way in a case involving methamphetamine?
6. Do you have any personal experience with methamphetamine that may make you have particularly strong views about the case one way or the other?
7. During the trial, you may hear evidence concerning heroin. Have you ever been involved in any way in a case involving heroin?

8. Have any of your family members, close friends, associates, or colleagues been involved in any way in a case involving heroin?
9. Do you have any personal experience with heroin that may make you have particularly strong views about the case one way or the other?
10. During the trial, you may hear evidence concerning cocaine. Have you ever been involved in any way in a case involving cocaine?
11. Have any of your family members, close friends, associates, or colleagues been involved in any way in a case involving cocaine?
12. Do you have any personal experience with cocaine that may make you have particularly strong views about the case one way or the other?
13. During the trial, you may hear evidence concerning fentanyl. Have you ever been involved in any way in a case involving fentanyl?
14. Have any of your family members, close friends, associates, or colleagues been involved in any way in a case involving fentanyl?
15. Do you have any personal experience with fentanyl that may make you have particularly strong views about the case one way or the other?
16. During the trial, you may hear evidence concerning oxycodone. Have you ever been involved in any way in a case involving oxycodone?
17. Have any of your family members, close friends, associates, or colleagues been involved in any way in a case involving oxycodone?
18. Do you or your family or friends have any personal experience with these drugs that may make you have particularly strong views about the case one way or the other?
19. Do you have any strong feelings or personal opinions about drug use? Why?

FIREARMS

1. During the trial, you may hear evidence concerning firearms or other weapons. Have you ever been involved in any way in a case involving firearms or other weapons?
2. Have any of your family members, close friends, associates, or colleagues been involved in any way in a case involving firearms or other weapons?
3. Have you, or has any member of your family, any associate or close friend, ever belonged to any kind of anti-gun organization?
4. Have you ever been a victim of a crime involving firearms or other weapons?
5. Have any your family members, close friends, associates, or colleagues been a victim

of a crime involving firearms or other weapons?

GAMBLING

1. During the trial, you may hear evidence concerning gambling. Have you ever been involved in any way with gambling?
2. Have you ever gambled casually, *i.e.*, outside of a casino or on a sports betting app?
3. Have any of your family members, close friends, associates, or colleagues been involved in any way with gambling?
4. Have you, or have any member of your family, any associate or close friend, lost a substantial amount of money gambling?
5. Do you, or does any member of your family, any associate or close friend, have a gambling addiction?

CRIME VICTIM HISTORY

1. Have you ever been a victim of any crime?
2. Have any of your family members, close friends, associates, or colleagues, ever been the victim of any crime?
3. Have you or any of your family members, close friends, associates, or colleagues ever been a witness to a crime?
4. Have you, or have any of your family members, close friends, associates, or colleagues, ever been arrested for or charged with a crime?
5. Do you have any personal experience with crime generally that may make you have particularly strong views about the case one way or the other?

TYPES OF WITNESSES AND EVIDENCE

1. The government witnesses in this case may consist in part of law enforcement officers and agents. Would you be more likely to believe a witness merely because he or she is a member of a law enforcement agency?
 - a. Do you have any strong feelings or personal opinions about law enforcement? Why?
 - b. Do you feel that because law enforcement arrested Mr. Eusebio he must be guilty?
 - c. Do you feel that law enforcement officers are inherently more trustworthy witnesses than other people? Would you be able to treat these officers as any other witness and evaluate their credibility as you would with any other

person?

2. This case may involve the testimony of witnesses who are qualified as experts in their particular fields. While the purpose of these witnesses' testimony is to aid you in evaluating the evidence, you are the sole judges of the facts in this case. Would anyone feel they have to defer to these experts? Would you have trouble scrutinizing the testimony of an expert, and giving it as much or as little weight as you think it deserves?
3. During the trial, you may see or hear evidence that has been translated from Spanish to English. Do any of you have any difficulty in reading or understanding English? Do any of you read or speak Spanish fluently?
4. Mr. Eusebio is charged with acting with others in committing certain alleged crimes. Some of those individuals are not on trial in this case. You may not draw any inference, favorable or unfavorable, toward the government or Mr. Eusebio from that fact. You also may not speculate as to the reason why other persons are not on trial at this time. Would you have difficulty following this instruction?
 - a. Do you make any assumptions about the case because others may have been involved and are not on trial?

COVID-19

1. Do you have any concerns related to COVID-19, including about the safety of the Courthouse or your commute to the Courthouse, that might interfere with your ability to dedicate your full and undivided attention to the evidence in this case?

2024 ELECTION

1. Although we will not conduct trial on November 5, 2024, which is Election Day, we will conduct proceedings before and after that date. Do you have any concerns related to the 2024 Election that might interfere with your ability to dedicate your full and undivided attention to the evidence in this case?

Dated: September 25, 2024
New York, NY

MORVILLO ABRAMOWITZ GRAND
IASON & ANELLO P.C.

/s/ Telemachus P. Kasulis

Telemachus P. Kasulis

Peter Menz

565 Fifth Avenue

New York, NY 10017

Tel: (212) 856-9600

Fax: (212) 856-9494

tkasulis@maglaw.com

pmenz@maglaw.com

Attorneys for Alvin Eusebio